



Submitted to:

Municipal Development and Lending Fund

Attn: Arch. Abdel Moghni Nofal, General Director

Al-Rishmawi Building, Al-YasminSt.

Sateh Marhaba, Jerusalem Road

AlBiereh, West Bank

Tel:+97022966610, Fax:+97022950685

Email: esia@mdlf.org.ps

Prepared by:



EcoConServ Environmental Solutions

12 El-Saleh AyoubSt., Zamalek,

Cairo, Egypt11211

Tel:+20227359078-27364818

Fax:+20227365397

E-mail: genena@ecoconserv.com



Universal Group-Gaza

Tel: +972-8-2825557

+972-8-2820979

Mobile: +972-599734817

E-mail: uggaza@palnet.com

Gaza Solid Waste Management Project

Abbreviated Resettlement Action Plan (ARAP)

Landowners of Al-Fukhari (Sofa) Landfill

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List of Acronymes

AFD	Agence Française de Développement
ARAP	Abbreviated Resettlement Action Plan
ESIA	Environmental and Social Impact Assessment
FS	Feasibility Study
GSWMP	Gaza Solid Waste Management Program
JSC	Joint Service Council
JSC-KRM	Joint Service Council for Khan Younis, Rafah, and Middle Governorates
LAL	Land Acquisition Law
MDLF	Municipal Development and Lending Fund
MoF	Ministry of Finance
MoLG	Ministry of Local Government
NGO	Non-Governmental Organization
OP	Operational Policy
PAP	Project Affected Persons
PLA	Palestinian Land Authority
PNA	Palestinian National Authority
RAP	Resettlement Action Plan
ToRs	Terms of Reference
WB	World Bank

1. Introduction

The Palestinian National Authority (PNA), through the Ministry of Local Government (MoLG) and the Municipal Development and Lending Fund (MDLF), prepared the Terms of Reference (ToRs) for an independent Environmental and Social Impact Assessment (ESIA), subject of this report, for the Gaza Solid Waste Management Program (GSWMP). The ESIA assignment funded by the Agence Française de Développement (AFD) was announced as a competitive bid in May 2011 and was awarded to the Joint Venture of EcoConServ Environmental Solutions, Egypt, and Universal Group, Palestine.

This Abbreviated Resettlement Action Plan (ARAP) is a core deliverable for the ESIA consultancy service which involves the preparation of an independent ESIA and a Resettlement Action Plan (RAP)/Abbreviated Resettlement Action Plan (ARAP) for the proposed GSWMP.

2. About the Abbreviated Resettlement Action Plan (ARAP)

The Gaza Solid Waste Management Project includes the development and construction of a regional landfill site in Sofa and a composting facility.

In compliance with the Bank's Operational Policy 4.12 (see box 1), the following Abbreviated Resettlement Plan (ARAP) has been prepared in consultations with the affected communities and other stakeholders and its provisions therein will be implemented according to the provisions stipulated in the Bank's Policy on Involuntary Land Acquisition and Resettlement¹. Specifically, this abbreviated RAP has been developed to address impacts related to landowners whose properties will be acquired for the proposed construction of the Sanitary Landfill at Al-Fukhari (Sofa) in Gaza Strip.

OP4.12 calls for the preparation of an Abbreviated RAP (ARAP) which includes measures to ensure that affected persons are:

- ❑ informed about their options and rights pertaining to resettlement and compensation,
- ❑ consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives, and
- ❑ provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to impacts of land acquisition in this project.

Preparing and processing this ARAP entailed (i) screening and reviewing project areas, (ii) conducting census survey, (iii) establishing eligibility criteria, (iv) conducting consultations, (v) preparing the ARAP document, (vi) reviewing the document, (vii) identifying the implementing agency, assessing its capacity for resettlement planning and implementation, and (viii) inclusion of budget for ARAP implementation.

¹The Bank's Operational Policy 4.12 footnote 16 states that "Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner".

Box (1): World Bank Operational Policy 4.12 Objectives and Triggers

OP 4.12 Objectives and Triggers

The objectives of the Operational Policy on Involuntary Resettlement (O.P. 4.12) are to:

- ❑ Avoid or minimize involuntary resettlement and associated disruptions.
- ❑ Assist project affected persons (PAPs) to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels.
- ❑ Provide project affected persons (PAPs) with opportunities to participate in the planning and implementation of resettlement programs.

O.P. 4.12 is triggered when project activities result in:

- ❑ Loss of land or other assets which have as effect:
 - Relocation or loss of shelter.
 - Loss of assets or access to assets.
 - Loss of income sources or means of livelihood (whether or not the affected persons must move to another location).
- ❑ Restriction of access to legally designated parks and protected areas that result in adverse impacts on the livelihoods of affected persons.

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and the legal title to the land. Particular attention will be paid to the needs of vulnerable groups.

Project Affected Persons (PAPs) are people who are directly affected socially and economically by Bank-financed projects. The direct social and economic impacts include but are not limited to: a) relocation or loss of shelter, b) loss of assets or access to assets, c) loss of income sources or means of livelihood, whether or not the affected persons must move to another location, and d) the involuntary restriction or access to legally designated parks and protected areas that results in adverse impacts on the livelihood of the affected displaced persons and communities.

3. ARAP Preparation

An abbreviated resettlement action plan (ARAP) was prepared rather than a full RAP because fewer than 200 PAPs are affected. The first stage of the preparation of the ARAP consisted of screening the land to be acquired and impacted by the project. The plan must contain alternative sites identified during the screening process. The preparation of this ARAP has undergone several stages including on identifying the key adverse and positive impacts arising from this project and identifying who the affected peoples are, as well as other stakeholders, and also developing the appropriate mechanisms for consultations and compensation measures. The preparation of this ARAP entailed public consultation which was achieved through a series of participatory activities, including surveys and other structured qualitative consultation tools targeting the project stakeholders and project potentially affected persons (PAPs).

The ARAP preparation team has worked at several levels to identify affected peoples, obtain the needed data on these land owners and the estimated of their lands. The following is a brief description of the implemented activities as part of the ARAP preparation:

1. The ARAP preparation team conducted a scoping session and invited all stakeholders including affected peoples, members of the Municipality of Rafah and others, to discuss the project objectives, its design features, benefits that are expected to accrue and also the land

needs for the success of the project, including how to obtain these. Discussions were also held on compensation procedures vis a vis project lands that will need to be acquired.

2. The Land Authority in Gaza was contacted to identify the affected land owners in the area surrounding the current location of Al-Fukhari (Sofa) landfill. Land ownership was established via the following sets of documentation: land registration proof with the Ministry of Finance; documentation from the Israelis prior to 1982; or paperwork from the Property Tax Department (Ministry of Finance). The ARAP preparation team was able to establish that persons affected under the project have documentation from the Property Tax Department. Thus the main source of information on the matter is the Ministry of Finance (MoF) which collects the land taxation from the people who control and use the land. In consultations with project affected peoples (PAPs), it was conclusively stated that proving land ownership was not an issue, (i.e., that there is no ambiguity over land ownership).
3. Mr. Haseeb El Rae'y, Director of Assets Taxation Department at the MoF, provided the ARAP team with a list of people who control, use the land, and pay its annual taxation. This list was confirmed by project affected peoples themselves.
4. All project affected peoples and wider stakeholder communities were invited to attend meetings facilitated by the project to learn about the project objectives, its intended benefits, impacts (positive and adverse) that were expected to arise; and also how adverse impacts would be addressed under the project. Individual meetings with each land owner were also held to discuss the project and to also fill out a tailored questionnaire. The latter was designed to collect information on the land area, available ownership documentation, modalities and preferences on how project lands might be acquired including willingness of land users to donate or sell their lands, if at all, as well as discussions on how land types are valued.

Annex 1 and 2 include a complete list of all land owners affected under the project and the size of their lands; and Annex 3 gives the names of the land owners' representatives who attended the meeting and filled out the questionnaire. Annex 5 includes the format of the questionnaire used.

4. Census Survey and Valuation of Assets, and Resettlement Assistance

According to census results, a total of 70 landowners are expected to be impacted under this project (annex 1). The current landfill area is approx. 26.64 dunum. The existing landfill area is owned by the municipality of Rafah and it was originally purchased from the Abu Senima family to be used as landfill. The municipality had purchased the land in 1997 for a price of around US\$10,000 per dunum² according to the attached contract (annex 4). Gaza's overall solid waste disposal problem was studied through a Feasibility Study (FS) which established that the existing landfill is overloaded and needs to be expanded. Upon assessing several potential locations for the construction of a central landfill catering to the entire Gaza strip, the FS recommended the existing Al-Fukhari (Sofa) landfill as the optimal location. The FS recommended an extension of 472 dunums to the existing landfill. The land is needed to

²The value of this land was based on very different circumstances from the present times hence explaining why the land value used to be higher. In 1997: a) the Israeli imposed security 500 - 1,000 meter buffer zone inside the Gaza Strip and along the border line was not in place; b) the area of the current dumpsite used to be a vibrant commercial area in part due to the fact that there was a border crossing called the "Sofa Crossing"; and c) the adjacent land was not planned for a new waste-water treatment plant. There has been significant decline in land value since 1997 because the proximity to the Israeli border places limitations on land use, it is not highly productive agriculturally, the "Sofa Crossing" has been closed by the Israelis and all commercial activities have been moved to a new border crossing established near Karem Abu Salem (Karem Shalom as per Israeli terminology).

construct the main landfill station, a reception and recycling unit, and five cells for the future extension of the landfill. The following table shows the size of land needed for each component.

Table 1: Size of project lands needed for the proposed landfill and composting unit in Sofa

Component	Area of land needed (dunums ³)
Main landfill station	51
Reception and recycling unit	40
Cell 1	34
Cell 2	41
Cell 3	50
Cell 4	125
Cell 5	131
Total area of land	472

Although the total land needed is ca. 472 dunum, Cell 4 and 5 will not be implemented before year 2027. For this reason, the land requirements for the first stage of implementation are ca.215dunum. Thus this ARAP concerns provisions for the 215 dunums.

Numerous field site visits have been carried out by the ARAP preparation team as well as the project financiers to establish the productivity of the lands adjoining Sofa landfill. Field site observations indicated that rain-fed agricultural activity (4-5 months of the year) takes place on the lands (mainly wheat production). There are some land use restrictions because the proposed landfill area is located near the Israeli border. The proximity of the land to the border presents security hazards since existing houses and farm assets in these areas were totally destroyed during the last invasion. Israel has set a 500 meter wide “no man” security buffer zone along the border where all human activity is restricted and any suspicious movement is at risk to severe physical damage.

The resettlement assistance (compensation) offered to each affected land owner will consist of land purchase which is calculated on the basis of replacement cost at market value. Discussions with land owners indicated that land values are well established and commonly known. For the few land owners with smaller landholdings, the ARAP may consider whether a land for land swap is an option if this is preferable or available to affected parties bearing in mind land scarcity in Gaza.

5. Land use issues

The land parcels required for the landfill expansion have been surveyed by land surveyors engaged in producing land parcel maps. These maps (produced by the surveyors) are used to confirm the data produced by land owners regarding their exact boundaries of ownership. It was confirmed by the Rafah Municipality that in 1997, there was no discrepancy between the land parcel maps’ findings with that of land owner records. One issue identified is that in some cases, should only a portion of lands be required from a farmer’s parcel, it is recommended that the entire parcel be purchased if this is feasible. It is also expected that any remaining lands would decrease in value given its proximity to

³One dunum is equivalent to 1,000 square meters / 0.1 ca.

the landfill. This issue was discussed at length with landowners and the findings indicated their preference for entire parcels to be purchased. This also indicates that only part of their land is located in the proposed landfill site while the remaining part is located outside the boundaries of the landfill. It is to be noted that the landowners expect the project to compensate them for the whole land as the remaining land will not be suitable for any type of land use. This wish is in conformity with Article 12 of Law No.24/1943 on Expropriation (*discussed in this report under Section 6. Existing Legal and Policy Framework for Land Acquisition*).

The ESIA recommends that extra land be secured to mitigate environmental impacts, most importantly securing space for the storage of soil excavated during the construction of the landfill cells. Purchasing extra land is considered to be a favorable option from the social prospective in view of the reasons mentioned above. This was reflected in the property survey work as all land owners representatives preferred to sell their entire plots. They stated a preference that the remaining parts of their lands should also be purchased by the project or exchanged with other lands elsewhere.

The land for the intended landfill belongs to five main families, namely: Shubair, Abu Senaima, Al Shae'er (1), Abu Rayida, and Al Shae'er (2). None of these families live in the area where the lands will be purchased. Annex 2 shows the names of the affected land owners for the first phase of the project (excluding the names of the major owners of cell 4 and 5 which will not be implemented before 2027).

6. Existing Palestinian Legal and Policy Framework for Land Acquisition

6.1 Introduction

This ARAP will follow the World Bank policy requirements of OP 4.12 in dealing with affected peoples under the Gaza Solid Waste Management Project. The differences between the provisions of the Palestinian Law with OP 4.12 are noted in section 6.5.

In Gaza the law of expropriation is governed by the Land Ordinance, No. 24 of 1943 (Acquisition for Public Purposes). The law covers the power of the High Commissioner⁴ to acquire land or any interest in it for a public purpose. It sets out the notice procedures and the rules for assessing compensation. The government may take over possession on the date specified in the notice, which must be at least two months after Gazette publication, unless the land is required urgently. Rules are set out for the court in assessing compensation. It is to be based first of all on market value. No compensation is payable for taking up to 25% of an owner's land for roads, playgrounds or recreation grounds. The government may claim betterment of 25% of the increase in value due to making or widening a road, set off against compensation for any land taken.

The law is compatible with the *Town Planning Ordinance*, in that where land is destined for expropriation in a detailed planning scheme, the High Commissioner is deemed to have certified the scheme to be an undertaking of a public nature. Also, provisions concerning betterment and 25% taking without compensation are similar.⁵

In case of pressing time demands to expropriate land to a specific project serving public interest, the Government is entitled to expropriate required lands immediately and then to initiate compensation negotiations with owners/users (Amendment Law No. 34 of 1946, Article (7)).

⁴Refer to Palestinian National Authority Law no. (5) of 1995 concerning transfer of powers and authorities; section 1 and section 3

⁵Legal Report, PNA Land Administration Project – Ministry of Planning, Hesseini, Hiba – 2008

ARAP Section 6.2 outlines the existing legal and policy framework on expropriation of private land. Section 6.3 presents the official procedure and responsibilities in the acquisition of private land for a public interest. Section 6.4 explains the guidelines for reaching a compromise between the owner and the expropriating body. Section 6.5 identifies the differences between local policies and legislation in Palestine and the World Bank Group policies and presents project-specific mechanisms to address these differences.

6.2 Legal provisions for expropriation of private land and property

Legal instrument: Land acquisition is regulated by Law No. 24 issued in the year 1943 on Expropriation and its amendments issued in 1946.

The expropriator (Condemner): Article (22) of the Amendment Law 34/1946 specifies that the expropriator of the property is the Governmental organization, any municipal or local council, or any private body such as a company, organization, society or individual implementing a project, and the government if acting as one of the previously mentioned entities.

Land Owner: Article (18) of Law 24/1943 states that the owner/s of the property is/are the person/s in whose name the property is registered at the Land Registry Office. This stipulation does not preclude anyone else from claiming ownership through the courts. The entitlements of legally-established renters are also confirmed. Nonetheless, all owners (shareholders) will be entitled to property compensation according to their shares, and payments will be made directly to each individual landowner.

6.3 Procedures and mechanisms for land expropriation

The LAL lays down the following procedure for the acquisition of land, Table 2: Key Steps for Land Expropriation. In addition, it should be noted that a Presidential Decree was issued by President Abbas on December 25, 2012 and published in the Legal Gazette authorizing that lands for the proposed project could be expropriated.

Table 2: Key Steps for Land Expropriation

MDLF & Municipalities ⁶	JSC for Khan Younis, Rafah and Middle Area with support of Palestinian Land Authority (PLA) as Agent of Proponent	Other Government Agency	Project Affected Persons
<u>Step 1:</u> MDLF and the concerned Municipalities provide PLA with detailed information on the land and properties to be expropriated	<u>Step 2:</u> The Director of PLA announces in 2 daily newspapers the government's intent to expropriate the specified land and provides full details.		Any objection on principle to the acquisition must be lodged within 30 days of publication of the intent to acquire.
		<u>Step 3:</u> 30 to 90 days later, the case is presented to the PNA Presidency for ratification, which must	

⁶The agency concerned in this case is the Municipality of Rafah that is supported by the Municipal Development and Lending Fund (MDLF).

MDLF & Municipalities ⁶	JSC for Khan Younis, Rafah and Middle Area with support of Palestinian Land Authority (PLA) as Agent of Proponent	Other Government Agency	Project Affected Persons
		take place within 6 months (starting 30 days after the announcement of intent to expropriate).	
	<u>Step 4:</u> The ratified decision is published in the official newspaper		
<u>Step 5:</u> MDLF and Municipalities will conduct inventory survey to state things as they are.	<u>Step 6:</u> PLA and JSC for Khan Younis, Rafah and Middle Area Governorates form a committee of five officials to provide a compensation estimate ⁷ . Evaluations are based on current land values and prices to land of similar quality.		
	<u>Step 7:</u> Details of all land units included in the Presidential decree are announced, including names of owners and the number and description of the units.		<u>Step 8:</u> Affected persons have 30 days to discuss compensation with concerned authorities. Owners have the right to object to the offered compensation and may request mediation.
	<u>Step 9:</u> Municipality/PLA may form a second committee to conduct a second evaluation.		
		<u>Step 10:</u> The level of compensation is finalized upon ratification by the Ministry of Finance.	<u>Step 11:</u> If no agreement is reached, owners have recourse to Courts.
		<u>Step 12:</u> Judicial involvement when no agreement is reached.	

⁷ The officials are the regional directors of the four ministries: Public Works; Finance; and Agriculture together with a representative of the PLA and the Audit Bureau. Although the composition is official, the law specifically empowers the Director of PLA to call upon any advice in a review of compensation if necessary.

6.3.1 Compensation Valuation

Pursuant to step 6 and step 9 in Table (2), two valuation committees were established in Gaza towards determining fair compensation value. The first valuation committee was comprised of representatives from the Ministries of Local Government and Agriculture and the Land Authority. The second committee included members of the first committee plus two independent real estate agents working in the Southern Gaza Strip, where the land is located. The following valuation criteria have been taken into consideration: its current proximity to the Israeli border (thus reducing land value); current utility of the land; proximity to the road and existing dumpsite. The primary responsibility of these committees was to estimate fair compensation for expropriated lands and properties and to demonstrate public benefit from the project concerned.

6.4 Guidelines for court mediation in case of compensation disputes

Under Palestinian Law, if the compensation negotiations are unsuccessful and the expropriator and owner fail to reach an agreement, court mediation can be requested by one or both parties. In order to reach a compromise, the court must take into consideration the following guidelines:

1. The fact that the property was seized without the owner/user's consent should not influence the court in estimating the value of the compensation.
2. Take into consideration the value of the land parcels adjacent to the condemned land that are of the same land quality regardless of the differences in land utilization.
3. Fair compensation is to be achieved through assessing the current market value of the property at the day the government published its intention to expropriate the property in two national newspapers, and to disregard any improvements or developments made after that date.
4. When estimating the leasing fees to be paid to the landowner, the Court appraises the yearly rental fees reflective of the value at the date of the official notification.
5. When assessing the losses due to damage, the Court estimates the compensation based on the amount of decrease in the property's value as in the previous points.
6. Reduction in the value of the portion of the property not expropriated must be compensated for. The related compensation estimate should not exceed half of the compensation originally entitled to the landowner for the expropriated section.
7. Take into consideration the harm done to the owner as a result of portioning the land property or as a result of the practices delegated by this Law.
8. The accrued amount is not to be paid to those concerned before the Registrar of Titles issues a certificate that states that the property is not subject to any mortgage payments. In that case, the amount must be deposited in the State Treasury.
9. If the amount is deposited in the State Treasury - since the owner did not present official documents or for any other reason - it must be kept for one year from the date of the final verdict. Exceptions are made if the Court decides that the amount can be disbursed before the one year deadline, i.e., in cases where the compensated person was able to present an official document from the Land Registration Department stating the ownership of the land or infrastructure proving the entitlement to compensation.

10. The compensation or leasing fees paid to the State Treasury or the entitled person(s) frees the expropriator from any claims related to the land.

Finally, and after the compensation has been paid to the land owners by the State Treasury – or temporarily deposited in the State Treasury, the title to the land in question is transferred to the expropriator.

6.5 Gaps between active legislation in Palestine and the World Bank OP 4.12

Many of the key tenets of the WB's OP 4.12 are covered in full or in part by current Palestinian legislation. This includes:

- The requirement to pay compensation where land is compulsorily acquired.
- The need to compensate for the acquired property based on full market value of the property at the data of the verdict;
- The requirement to compensate for losses, whether temporary or permanent in production or damage to productive assets and crops; and
- The provision for pre-judicial avenues for resolution of disputes and rights of appeal.

There are, however, six broad areas where provisions required under OP 4.12 extend beyond those required under Palestinian legislation. These are as follows:

- **Resettlement planning and procedural requirements**
There is presently no requirement to prepare a formal Resettlement Action Plan (RAP) under Palestinian law, nor to undertake any of the component activities of a resettlement action plan such as, a 'census', socio-economic survey, consultation with project affected people, monitoring or reporting. There are no specific references in the legislation to 'involuntary resettlement'. Also, there is no explicit consultation requirement in Palestinian law. Because this is a World Bank financed project, the appropriate safeguards instruments have been prepared.
- **Compensation eligibility in Palestine**
The categories of people who must be compensated under Palestinian legislation are narrower than those defined under OP 4.12. Under the legislation, the only people and entities entitled for compensation are those with registered property rights, for example, registered landowners, leaseholders, users and those with registered third party rights or those who have legally obtained the right to register their title but who, for some reason, have not completed registration. This potentially precludes many categories of affected people that would be entitled to compensation under the OP 4.12. Under this project, all affected people (i.e., including waste pickers) will be provided resettlement assistance as per OP 4.12.
- **Provisions for illegal land use in Palestine**
Palestinian law does not make provision for people with no legal title, although there have been some cases where practice on the ground has differed from the legislation. This practice on the ground does adhere to the World Bank OP 4.12; but as it is not in law, it is conducted on a discretionary case-by-case basis and is not systematically monitored. In the event there are affected peoples without legal title or whose livelihoods are affected (i.e. waste pickers), they will be compensated under this project as per OP 4.12.
- **Extent of Compensation and Resettlement Assistance**

Under the current legislation in Palestine, compensation is payable for loss of land, buildings, crops, profit and other damages arising from the acquisition of land for a project. However, moving cost or rehabilitation support to restore the previous level of livelihood is not recognized under the Palestinian law as a responsibility of the government, and no government agency is charged to carry out such a responsibility. It should be noted that under this project there will be no relocation of households or individuals.

- **Property measurement**

Under the WB safeguard policies, compensation for lost properties will be calculated based on full replacement cost, in other words, compensation should be equal to what enables the Project Affected People (PAP) to restore their livelihood at the level prior to the resettlement. Under the Palestinian law, compensation is equal to the market value of lost properties, but there is no explicit reference to depreciation. The project will be compensating affected peoples according to full replacement cost as per OP 4.12.

- **Income restoration**

Under the OP 4.12, lost income resulting directly from project implementation should be compensated. Palestinian law, however, does not recognize compensation for such lost income.

6.6 Policy compliance issues

The major issue related to these differences is the ability of the Palestinian State to expropriate land without compensation in the public interest. In this case, there will not be any expropriation of lands without compensation. For this project the expropriating body is the Joint Service Council for the project service area and the implementing bodies are municipalities rather than a central government ministry. The municipalities are elective, responsive to local public opinion and dependent on the goodwill of their citizens and inhabitants, while qualified and experienced JSC/MDLF project staff will provide technical assistance and monitor these cases to ensure that they are in full compliance with the Bank's policy.

The Palestinian (LAL) process is not inherently consultative, providing for administrative and legal processes of notification, objection, assessment, negotiation and complaint resolution. The Bank's policy is centrally based on consultation processes. For the proposed project however, the small and highly localized scale of the expropriations supports an approach of small group consultations/negotiations with those families and small businesses directly affected, led by the municipalities with technical assistance from JSC with full compliance of OP 4.12

One particular category of affected persons could be at risk:

Women: The data collected from project area regarding property ownership indicated that no plots were registered in the name of women, but a few females have land shares with others as heirs. However, there are mechanisms under the law that provides absolute security of rights to any female PAP to any compensation due under the project. Therefore, female owners are entitled to property compensation according to their shares. This suggests that women will receive the compensation according to their share in the land and based on the provided documents that prove their ownership. In this respect, it is supposed that there will be no gender basis of any kind in handling landownership and compensation issues. However, measures should be taken to ensure that women are fairly compensated and are benefiting directly from their entitlements before the project execution. The role of the PMU including the Social Officer is crucial to ensure the application of a gender-sensitive

approach during the land acquisition processes specifically and on consultations throughout the life cycle of the project.

7. Consultations with affected people about acceptable alternatives

Extensive community consultations were conducted towards the preparation of the abbreviated resettlement action plan for the land owners. Consultations conducted during the ESIA preparation process were also specifically targeted towards the preparation of the ARAPs, in that the consultations were targeted to the interests of the primarily affected vulnerable groups including the land owners. An array of outreach tools were used to ensure there was adequate outreach to the affected populations, and these include tools such as structured surveys, in-depth interviews and focus group discussions. These are comprehensively detailed in Chapter 10 of the ESIA for this project. As noted in the ESIA, “as part of planning and mitigating for the resettlement issues, an inventory survey was conducted to the land owners of the project proposed area for the landfill in El-Fukhary. The survey aimed to put a foundation for the preparation of an ARAP. A structured questionnaire was designed to collect information about various issues related to land owners, shares, land uses, income from the land and the preferred type and amount of compensation. The preparation of the ARAP did not merely engage land owners through the survey, it rather involve other relevant stakeholders particularly those who will be involved in the actual application of the ARAP, including but not limited to the Municipality, the Land Authority and the Ministry of Finance.” In addition, the project conducted consultations beyond the ESIA phase. These included public consultation sessions and field visits to ensure that comprehensive information was available to the affected people and their interests in the intended Project. During these meetings the representatives of land owners (See Annex 3) indicated a willingness to sell or exchange the land needed for the intended Project.

In earlier consultations as in during the ESIA preparation phase, landowners expressed that they wished for early negotiations on the land acquisition and that they sought protection of their rights as land owners. During the consultation processes and in subsequent meetings, it has been established that land ownership is clear; there is a market driven demand for land which determines pricing; a variety on the extent of land holdings exists (some farmers own 120 dunums, others own 12) and this then impacts their views on whether a land sale is preferable or a land swap. The PAPs also reflected on the types of mechanisms most suitable to address grievances in the context of this project. Consultation processes towards RAP preparation also included a site visit to the current new landfill site in Sofa and investigating market price for the land.

A smaller, core group of land owner representatives has been formed to represent all the land owners and have been authorized to negotiate the land acquisition contracts with the representatives of the competent authority.

It worth noting that apart from the land-owners of Al Fukhari site, the only potential group that will be economically affected are the waste pickers groups. A separate ARAP has been prepared to take into account the project’s negative impacts on them.

8. Institutional responsibility for implementation of the ARAP

The following scheme provides an overview of the institutional responsibilities for implementation of the Abbreviated Resettlement Action Plan.

Table 3: Institutional Responsibility

Implementation Stage	Agency	Responsibilities
Project Preparation	Municipal Development and Lending Fund (MDLF)	<ol style="list-style-type: none"> 1. Consultations with Project Affected People on project, adverse impacts and compensation among other issues 2. Preparation of the ARAP (with monitoring, grievance redressal mechanisms and other issues) based on a census and also based on consultations. 3. Assist in securing the necessary financial resources for compensation or land area for exchanging land 4. Translation and availability of draft and final ARAPs to communities in a form and manner that is accessible to them
	JSC-Khan Younis, Rafah and Middle Area Governorates (JSC-KRM)	<ol style="list-style-type: none"> 1. Final definition of lands and conditions for acquisition 2. Formation of the Land Acquisition Committee (with membership from PAPs) 3. Formation of the Social Committee
	Palestinian Land Authority	Final confirmation of land ownerships of the land to be acquired in consultation with PAPs
	Municipality	<ol style="list-style-type: none"> 1. Identification all affected persons, consultations, advising them of their rights, 2. Disclose locally the ARAP to affected persons, 3. Follow-up all matters of public and NGO concern with regard to any complaints that may arise during the implementation process. 4. Direct contacts with affected persons either individually or in groups.
	Ministry of Finance	Allocate budget for compensation
Negotiations	Municipalities and JSC	<ol style="list-style-type: none"> 1. TORs for Land Acquisition Committee, Social Committee and NGO livelihood support package 2. Conduct consultation meetings with the project affected people at the new and old land fill sites, inform them about the ARAPs and their right to obtain 3. Explore their priorities and preferences
	Municipality /JSC	Implement ARAP
	Municipality/JSC	Undertake community liaison (day to day operation)
	Land Acquisition Committee of JSC-KRM	<ol style="list-style-type: none"> 1. Establish values for compensation 2. Adjudicate on grievances 3. Plan negotiation and establish final offer 4. Recommend acceptance of compensation- package to Ministry of Finance or land authority 5. Adjudicate on appeal against land acquisition values to courts
Property Title & Payment	Ministry of Finance	Certify compensation agreements and transfer funds to PAPs
	Courts	Final say in disputes regarding ownership rights and compensation that cannot be solved amicably.

Implementation Stage	Agency	Responsibilities
	External Monitoring	Ensure compliance with funding agreements

9. Procedures for Handling Complaints

The issue of mechanisms to address grievances; its purpose and how best to establish such systems, was discussed with PAPs, and other relevant stakeholders including members of the Municipality and the JSC.

There are formal and informal channels of addressing grievances. According to interviews with PAPs, they indicated that several steps of increasing formality can be followed. The first step is to use the Tribal Elders which is an internal, but yet a recognized and respected body for putting forth community grievances. Community members often seek redress informally and at local levels, in part dependent on how complex the matter is.

Following upon such informal mechanisms (which PAPs agree is available to them), more formal mechanisms such as what is described below have been established:

- The Joint Services Council (JSC) of Khan Younis, Rafah, and Middle Governorates has established an independent Social Committee (which includes PAPs) to redress and handle project level grievances. The committee includes several actors from the local community that represent landowners and leaders of the local community. This Social Committee will monitor ARAP implementation to guarantee that all PAPs are well represented and are accorded all the benefits entitled to them. In the event that correct processes were not followed; this Social Committee will ensure the correct outreach to authorities tasked with RAP implementation. It will be made clear to all PAPs that this committee exists, and the availability for redress (including a limited number of days by which the Bank has to respond) will be noted. The social committee is expected to be in close contact with all parties to reflect the progress and quality of compensation process and report any problems or constraints to the WB.
- Appeal Against the Intent to Expropriate. Since compensations will be made to land owners, and to ensure that the process was known to all, and as a condition for licensing, an announcement in two Arabic newspapers, Al Quds and Falasteen, will be made. Up to 15 days after publication of the intent to implement the project in the newspapers, written appeals against the project may be lodged with Municipality of Rafah. All appeals will be acknowledged in writing and considered by the JSC. The appeals that may be accommodated through design modification will be taken into account.
- Appeals on the Ground of Disputed Ownership. Disputes may arise over who is entitled to compensation. Lack of formal documentation over the status of a piece of land or tenancy agreement may lead to such disputes, affecting ARAP implementation. Such situations can become one of the main obstacles in the intended project as land property is not registered in the land authority. The land ownership here is described as *Habal El Sabaa* which is not registered in the land authority registration office.
- Additionally, in the event that owners die and their land is passed on with conflict on land property, a process is in place where by further verification of status by the Palestinian Land

Authority, Ministry of Finance and the Municipality will be necessary. This may include a variety of documentation: copies of land titles, mortgage deeds, revenue receipts or other legal tender showing ownership of tenancy;

- In the case of renter farmed or rented land, documentary evidence of the understanding between the landowner and the renter; and
- For proof of residence, voters list or any other official record.

The municipality will attempt to facilitate an agreement with representatives of the landowners within the project framework, and if failing the case will be referred to the Court for resolution. Individual landowners or tenants have the right and may wish to appeal through Court proceedings. The judgment of Court about disputed titles, tenure agreements or ownership will be binding for all parties. The following specific steps are proposed:

- 1) The affected person should file his/her grievance in writing, to the Municipality. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and mark the letter with his/her thumbprint. A sample grievance form is provided in Annex 9.
- 2) The Municipality should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader/authorities that his/her complaint is being considered.
- 3) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time s/he lodges her or his grievance to the Municipality.
- 4) The Municipality will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law.

Appeal against the Compensation Valuation. The Court will hear appeals against assessed levels of compensation put by a group or individual landowners. The Court will review each case put to it and reach one of three recommendations:

- Confirm the original offer;
- Propose a revised offer at the hearing; and,
- Establish new guidelines for the development of a revised offer to be developed under negotiation.

If agreement is still not reached under revised guidelines, the Municipality will confirm the details of the last offer in writing to the persons concerned or their legitimate representatives and refer the matter back to the court. The judgment of Court will be binding for all parties. The acquisition process will proceed on the basis of the changes in the compensation that the Court orders.

10. Arrangements for Monitoring and Implementation

In order to assess whether ARAP objectives are being met, a monitoring plan will be required. The monitoring plan includes indicators to be monitored, introduces milestones, and provides resources including responsible persons or institutions to carry out the monitoring activities. The arrangements for monitoring ARAP and related compensation activities will be part of the monitoring and reporting process of the project, which will fall under the overall responsibility of the executing agency.

Five forms of ARAP monitoring will be developed:

- **The Social Committee** will monitor the ARAP process during all its phases. The social committee will be responsible for continued consultation with all land owners, their representatives, fairness of the agreement, proper implantation of the compensation process and its effects on the RAPs socioeconomic status.
- **Internal Monitoring.** The JSC- Khan Younis, Rafah and Middle Governorates in full coordination with the MDLF-PDSU will undertake internal monitoring of ARAP implementation. They will monitor the progress of ARAP implementation against predetermined performance targets, and facilitate the work of the external and independent monitors through effective record keeping and the preparation of periodic Project Progress Reports. The Municipalities will provide early warning of ARAP-related project difficulties and concerns and will ensure that PAPs concerns are adequately addressed by the project. They will jointly ensure that compensations are made to the correct individuals in accordance with the compensation agreements.
- **External Consultancy:** A consulting firm will be contracted by the MDLF-PDSU to support the detailed design and implementation of the various proposed schemes and measures mentioned above or any additional acceptable schemes that would ensure proper treatment of the PAPs. The consulting firm will also be responsible for periodical reporting on progress and challenges facing implementation.
- **Bank monitoring:** Bank supervision missions will regularly and systematically review the progress of ARAP implementation and reference their findings in aide-memoires.
- **Independent mid-Term/End of Project Evaluation:** An independent review of implementation progress and any problems will be commissioned prior to mid-term review and discussed at it. This review will undertake field visits and will hold consultations with PAPs in order to determine their experiences, document problems, solutions and any unresolved issues, with recommendations. Action taken on this review shall constitute a component of the project Implementation Completion Report, as required by Bank procedures. The Bank does not consider a project fully complete until satisfactory ARAP outcomes are registered.

11. Timetable and budget

The expenses involved in this ARAP are the costs that the project has to cover for compensation of land acquisition to landowners. The ARAP presented the principles on which the costs have been estimated.

The budget related to this ARAP can be summarized as follows (in US\$):

Table 4: Estimated Budget for Implementing ARAP

Compensation Parameter	Al-Fukhari (Sofa) Landfill Budget ⁸ (US\$)
Land Acquisition for the 1 st phase (216 dunums @ US\$ 10,000/dunum ⁹)	2,160,000
Land Acquisition for the 2 nd phase (256 @ US\$ 10,000/dunum)	2,560,000
Land Acquisition for the first phase in case of compensating the whole owned land not the intended location only ¹⁰ .	4,720,000

⁸The budget is for purpose of funding and it is based on the high range of the possible negotiable land value; the low range budget would be about 60% lower

⁹The ARAP is exposed to several factors that might influence its effectiveness to reduce the social risks that are connected with the implementation of the proposed project. These risks are related to influential stakeholders at local and supra-local level seeking to ramp up the compensation amounts offered. The ARAP has presented the policies and objectives designed to safeguard the interests of PAPs that might be negatively affected by the project so that the social risks are minimized and regional and local support for the project is strengthened.

¹⁰The FS described the area needed for extending the existing final disposal site, recycling station, and the 6 cells for future. It however, did not include any additional area that must be allocated for the other services attached to the work of the landfill such as spaces to park and clean the cars. This indicates potentialities to exchange the whole land owned by owners and solve the expected problem which will emerge when the owners refuse to give part of their land for the project and to keep the rest.

Table 5: Timetable for Implementing ARAP

Phase	Agency	Responsibilities	Months					
			1	2	3	4	5	6
Project Preparation and Negotiation	Municipal Development and Lending Fund,(MDLF)	1.Consultation with project affected people on project, adverse impacts and compensation among other issues.						
		2.Preparation of the ARAP (with monitoring grievance redressal mechanisms and other issues) based on a census and also based on consultations.						
		3.Assist in securing financial resources for compensation or land area for exchanging land.						
		4.Translation and availability of draft and final ARAPs to communities in a form and manner that is accessible to them.						
	Rafah Municipality	1.Final definition of lands and conditions for acquisition.						
		2.Formation of the land acquisition committee (with membership from PAPs).						
		3.Formation of the social committee.						
	Palestinian Land Authority	Final confirmation of land ownerships of the land to be acquired in accordance with PAPs						
	Municipality	1.Identification all affected persons, consultations, advising them of their rights.						
		2.Disclose locally the ARAP to the affected persons.						
		3.Follow-up all matters of public and NGO concern with regard to any complaints that may arise during the implementation process.						
		4.Direct contacts with affected persons either individually or in group.						
	Ministry of Finance, (MOF)	Allocate budget for compensation						
Monitoring and Evaluation , (M&E)	WB							
	Municipality							
	External M&E							

M&E will go beyond the timeframe of 6 months

Annex 1: List of Landowners (all phases)

No.	Name	Area (donums)
1	RadiSuliman Abu Rayida	90.000
2	SalahedinShubair	20.870
The Heirs of Saeed Mohamed Al-Shaer		65
3	Amnah Al Malahi Al AlShaer (Wife)	
4	Kamal Saeed Al Shaer (Dead) with sons as claimants	
5	Mohamed Saeed Al Shaer	
6	Hydar Saeed Al Shaer	
7	Reyad Saeed Al Shaer (Dead) with sons as claimants	
8	Maher Saeed Al Shaer	
9	Mahmoud Saeed Al Shaer	
10	Khaled Saeed Al Shaer	
11	Jamal Saeed Al Shaer	
12	Anwar Saeed Al Shaer	
13	Naeema Saeed Al Shaer	
14	Ensaf Saeed Al Shaer	
15	Rawyar Saeed Al Shaer	
16	Fatma Saeed Al Shaer	
17	Jameela Saeed Al Shaer	
18	Abdalah Saeed Al Shaer	
19	Ayidah Saeed Al Shaer	
The Heirs of Abdel Kareem Al-Shaer		65
20	MeyassarEidBarbakh(Wife)	
21	Adnan Abdel Kareem Al Shaer	
22	Ziyad Abdel Kareem Al Shaer	
23	Hisham Abdel Kareem Al Shaer	
24	Esam Abdel Kareem Al Shaer	
25	Emad Abdel Kareem Al Shaer	
26	Etaf Abdel Kareem Al Shaer	
27	Nabila Abdel Kareem Al Shaer	
28	Halah Abdel Kareem Al Shaer	
29	Maha Abdel Kareem Al Shaer	
30	Tahanee Abdel Kareem Al Shaer	
The Heirs of Abddallah Al-Shaer		65
31	MarzouqaQeshtaa (Wife)	
32	Mohamed Abddallah Al Shaer (Dead)	
33	Ahmad Abddallah Al Shaer	
34	Mahmoud Abddallah Al Shaer	

No.	Name	Area (donums)
35	Jihad Abddallah Al Shaer	
36	WaleedAbddallah Al Shaer	
37	MuneerAbddallah Al Shaer	
38	FatamahAbddallah Al Shaer	
39	Maryam Abddallah Al Shaer	
40	Layla Abddallah Al Shaer (Dead)	
41	WafaAbddallah Al Shaer	
42	AmnahAbddallah Al Shaer	
43	RaedMousaJommah Abu Senaima	12.000
The Heirs of Abdel Rahman Abu Senaima		67.678
44	Naser Abdel Rahman Abu Senaima	
45	Ghada Abdel Rahman Abu Senaima	
46	Haniyaa Abdel Rahman Abu Senaima	
47	SulaimanSelmi Al Loulahi	
48	Ramadan Ahmad Al Ghalban	
49	MousaAtwaOueed Abu Senaima	
50	FawaziMousa Abu Senaima	
51	Ahmad Faraj Abu Senaima	
52	Osama Ibrahim Abu Anza	
The Heirs of Ismael Abu Senaima		10.661
53	Salma Atawi Abu Senaima (Wife)	
54	Nour Al Adeen Ismael Abu Senaima	
55	Kamal Al Adeen Ismael Abu Senaima	
56	Mohamad Ismael Abu Senaima	
57	Saad Al Deen Ismael Abu Senaima	
58	Zaynab Ismael Abu Senaima	
59	Basma Ismael Abu Senaima	
60	Wafaa Ismael Abu Senaima	
The Heirs of Rezeq Salem Hasan Al-Attar		6.995
61	Nassra (Wife)	
62	Khadraa (Wife)	
63	Salman Rezeq Salem Hasan Al Attar	
64	MohamadRezeqSalemHasan Al Attar	
65	Ahmad RezeqSalemHasan Al Attar	
66	FareedRezeq Salem Hasan Al Attar	
67	AbdallahRezeq Salem Hasan Al Attar	
68	HamdahRezeq Salem Hasan Al Attar	
69	BasmaRezeq Salem Salem Al Attar	
70	Salman Rezeq Salem Hasan Al Attar	4.000

Annex 2: List of Landowners (Phase 1 – 215 donums)¹¹

No.	Name	Area (donums)
1	RadiSuliman Abu Rayida	80.900
2	SalahedinShubair	20.870
The Heirs of Abdel Kareem Al-Shaer		55.650
3	MeyassarEidBarbakh(Wife)	
4	Adnan Abdel Kareem Al Shaer	
5	Ziyad Abdel Kareem Al Shaer	
6	Hisham Abdel Kareem Al Shaer	
7	Esam Abdel Kareem Al Shaer	
8	Emad Abdel Kareem Al Shaer	
9	Etaf Abdel Kareem Al Shaer	
10	Nabila Abdel Kareem Al Shaer	
11	Halah Abdel Kareem Al Shaer	
12	Maha Abdel Kareem Al Shaer	
13	Tahanee Abdel Kareem Al Shaer	
The Heirs of Abddallah Al-Shaer		46.230
14	MarzouqaQeshtaa (Wife)	
15	Mohamed Abddallah Al Shaer (Dead)	
16	Ahmad Abddallah Al Shaer	
17	Mahmoud Abddallah Al Shaer	
18	Jihad Abddallah Al Shaer	
19	WaleedAbddallah Al Shaer	
20	MuneerAbddallah Al Shaer	
21	FatamahAbddallah Al Shaer	
22	Maryam Abddallah Al Shaer	
23	Layla Abddallah Al Shaer (Dead)	
24	WafaAbddallah Al Shaer	
25	AmnahAbddallah Al Shaer	
The Heirs of Ismael Abu Senaima		11.350
26	Salma Atawi Abu Senaima (Wife)	
27	Nour Al Adeen Ismael Abu Senaima	
28	Kamal Al Adeen Ismael Abu Senaima	
29	Mohamad Ismael Abu Senaima	
30	Saad Al Deen Ismael Abu Senaima	
31	Zaynab Ismael Abu Senaima	
32	Basma Ismael Abu Senaima	
33	Wafaa Ismael Abu Senaima	

¹¹Listed persons under Annex 2 are covered under this ARAP

Total ¹²	215.000
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N.B: Part of the land owned by the heirs of Al Shaer family is part of Phase 1 of the project while the remaining land is part of Phase 2)

¹² The sons of deceased parties are 19 individuals.

Annex 3:List of the Representatives Committee of the Landowners

No	Land Owner Name
1	Hisham Abdel Rahman Al Farra
2	RadiSuliman Abu Rayida
3	Hydar Saeed Al Shaer
4	Ziyad Abdel Kareem Al Shaer
5	MuneerAbddallah Al Shaer
6	SalahedinShubair
7	Raed Musa Abu Snaima
8	SulaimanSelmi Al Loulahi
9	Ramadan Ahmad Al Ghalban
10	MousaAtwaOueed Abu Senaima
11	FawaziMousa Abu Senaima
12	Ahmad Faraj Abu Senaima
13	Osama Ibrahim Abu Anza
14	Saad Al Deen Ismael Abu Senaima
15	Salman Rezeq Salem Hasan Al Attar

Annex 4: Land Acquisition documentation for the existing final disposal site in Al-Fukhari (Sofa)

بسم الله الرحمن الرحيم

﴿ محضر إستلام قطعة أرض لمجمع للتفاريات برفح ﴾

أنه في الساعة العاشرة من صباح يوم الأربعاء الموافق ١٥ / ١ / ١٩٩٧م وبناءً على توجيهات رئيس البلدية والمجلس البلدي توجهت لجنة من البلدية لإستلام موقع الأرض المقترحة لإقامة مكتب للتفاريات عليها وكانت اللجنة مكونة من :

١- عبد الحميد الشاعر	عضو مجلس بلدي وعضو لجنة شراء الأرض المعالمة
٢- م. إبراهيم النحال	مدير دائرة المشاريع والتطوير بالبلدية
٣- د. علي بروهوم	مدير دائرة الصحة والبيئة بالبلدية
٤- محمد أبو صيام	رئيس الرقابة العامة
٥- محمود يوسف	سكرتير البلدية

وقد وصلت اللجنة إلى قطعة الأرض المقترحة والتي تقع في قرية الصوفى من أراضي السبع في القسم رقم ٢ من القطعة رقم ٤ والبالغ مساحتها الإجمالية ٢٦٦٤٠ متراً مربعاً (ست وعشرون دونماً وستمئة وأربعون متراً مربعاً) .

وقد تم معاينة الأرض التي تبين أنها أرض قضاء مزروعة بمحصول شتوى هو القمح وبها غرفة من حجر البلوك معروشة بالزيتكو والأرض عبارة عن قطعتين متلاصقتين ، القطعة الأولى يبلغ طولها من الشرق ٢١٢,٨٠ م ويحدها أرض القرا ومن الغرب ٢٠٩ م ويحدها محمد أبو سنيمة ومن الجنوب ١٠٣,٨٠ م ويحدها شارع ترابي بعرض ٤ أمتار ومن الشمال ١,٤٠ متر ويحدها عطوة أبو سنيمة .

والقطعة الثانية الملاصقة للقطعة الأولى يبلغ طولها من الشرق ٦٤ م ويحدها القطعة الأولى ومن الغرب ٦٤ م ويحدها عبد الرحمن أبو سنيمة ومن الجنوب ٧٤,٤٠ م ويحدها محمد أبو سنيمة ومن الشمال ٧٤,٤٠ م ويحدها عطوة أبو سنيمة .

وبعد الإطلاع على أوراق الأرض المقدمة وهي :

١- إيصال رقم ٤٦٠٩٠ من دائرة الضريبة والدخل والأملاك بإسم / إسماعيل وأخيه إبراهيم أبو سنيمة بتاريخ ٢٦ / ١٠ / ١٩٩٦ م .

٢- عقد قسمه وضمانية ونهائية بين إبراهيم أبو سنيمة وورثة أخيه إسماعيل جمعة أبو سنيمة مصدق من المحامي عزام عبد الله الأسطل والمحامي لباد طالب الكمالات ولجنة إصلاح منطقة القراة والأطراف المعنية والشهود بتاريخ ٢١ / ١٠ / ١٩٩٥ م .

(محرر الدرس) (بإسم)
جبار محمد عبد النصار

البلدية برفح

تواقيع لجنة الإستلام :

عبد الحميد الشاعر إبراهيم النحال د. علي برهوم محمد أبو صيام محمود يوسف

توقيع البائع
رجاء دوسري عبد الله

شاهد
MUNICIPALITY OF RAFAH

شاهد
آية الله العظمى، المحضر أمان
المستند - ان عند
[Signature]
بجدي بانه المصدق
المعاصر

شاهد
~~محمد~~
م. د. ب. ا. ر. ع. ر.

شاهد
عبدالمجید احمدی



Annex 4con't.

عقد إتفاقي على بيع قطعة أرض

الطرف الأول : ابراهيم جمعة امراحيل ابوسنيمة من مواليد بئر السبع ويحمل جواز سفر أردني رقم (٧٣٠٤٣٧) وينوب عنه وكيله السيد / رجااء معدوح عيد للتصامير من سكان مدينة رفح ويحمل هوية رقم (٩٢٩٧٩٤٤٥١) بتوكيل صادر من سفارة فلسطين بعمان والذي يحمل رقم ٤٦ صفحة ٩٦/٧٢ بتاريخ ٩٦/١٢/٢٠١٩م والمصدق من وزارة العدل للسلطة الفلسطينية بتاريخ ١٩٩٧/١/٢م بصفته بالنا

الطرف الثاني : بلدية رفح ويمثلها المهندس / سعيد فتحى زعرب بصفته رئيس البلدية

جهة الإتفاقي : أقر الطرفان اتفهما أهل للتعاقد والقيام بجميع التصرفات القانونية وإتفا على ما يلي :-

أولاً : يملك الطرف الأول ويتصرف في قطعة الأرض رقم (٤) قسيمة رقم (٢) وتبلغ مساحتها (٢٦٦٤٠) م^٢ ستة وعشرون ألف وستمائة وأربعون متر مربع وهي من أرض عشيرة الصوفي ويحدها من الشرق آل القرا ومن الغرب محمد وعبد الرحمن ابوسنيمة ومن الشمال عطوه ابوسنيمة ومن الجنوب شارع بعرض أربعة أمتار .

ثانياً : يقر الطرف الأول بأن ملكية قطعة الأرض المذكورة في البند الأول آلت إلي موكله عن طريق الميراث والمسجلة في المالية باسم الطرف الأول .

ثالثاً : تتفق الطرفان الأول بصفته بقاءً والثاني بصفته مشترياً على البيع والشراء لمساحة الأرض المذكورة في البند الأول وذلك بثمان وثمانمائة دينار أردني (١٧٨٤٨٨) مائة وثمانية وسبعون ألف وأربعمائة وثمانية وثمانون ديناراً أردني (إستمها الطرف الأول من الطرف الثاني كاملة بشيكات عند التوقيع على العقد ويعتبر هذا التوقيع بمثابة مخالصة نهائية عن كامل ثمن الأرض .

رابعاً : تم بيع قطعة الأرض البالغ مساحتها (٢٦٦٤٠) متراً مربعاً بواسطة وكيل الطرف الأول رجااء معدوح للتصامير بتوكيل رقم سجل (٤٦) صفحة ٩٦/٧٢ بتاريخ ٩٦/١٢/٢٠١٩م والصادر من سفارة دولة فلسطين بعمان والمصدق من وزارة العدل للسلطة الفلسطينية بتاريخ ١٩٩٧/١/٢م وهذا التوكيل يبيع التصرف في الأرض والبيع .

خامساً : يلتزم الطرف الأول بتسليم قطعة الأرض المذكورة عليه إلى الطرف الثاني خالية من كافة الحقوق العينية أيما كان نوعها كإيجار أو الحجز والإختصاص والوقف والحكر وحقوق الإنتفاع والإرتفاق ظاهرة أو خفية لأي شخص كان أو أي جهة رسمية كانت .

سادساً : يلتزم الطرف الأول بعدم التعرض والإستحقاق على ملكية قطعة الأرض المذكورة في البند الأول إلى الطرف الثاني سواء من قبل نفسه أو من قبل الغير وفي حالة التعرض والإستحقاق على ملكية قطعة الأرض من قبل الطرف الأول أو من قبل الغير يتكفل الطرف الأول بإزالة هذا التعرض والإستحقاق على نفقته الخاصة .

سابعاً : يعتبر هذا العقد خاضعاً للتبليغ العيني ويحق للطرف الثاني تنفيذه تنفيذاً عالياً .

ثامناً : يلتزم الطرف الأول بالإقرار والإعتراف ببيع قطعة الأرض المذكورة للطرف الثاني وذلك أمام أي جهة رسمية وأمام أي مختص ومسئول .

تاسعاً : يلتزم الطرف الأول بأن يأن للطرف الثاني بالتصرف في قطعة الأرض المذكورة تصرفاً مطلقاً كالبيع والتأجير وبالإشهاد والتعمير والتغيير والتبديل والفرس كيفما يشاء والتصرف تصرف المالكين بملكهم .

عاشراً : يعتبر هذا البيع باقياً ولا يجوز الرجوع أو نكوله أو نسخه من أحد الطرفين .

حادي عشر : حرر هذا العقد من ثلاث نسخ لكل طرف نسخة ويحفظ الأصل لدى المستشار القانوني لبلدية رفح .

تحريراً في ١٥ / ١ / ١٩٩٧ م .

الطرف الأول (البائع) رجااء معدوح غير المرافعة
ابراهيم جمعة امراحيل ابوسنيمة وينوب عنه
بالوكالة رجااء معدوح عيد للتصامير

الطرف الثاني (المشتري)
بلدية رفح ويمثلها المهندس
سعيد فتحى زعرب بصفته رئيس البلدية

شاهد
شاهد
شاهد

د. علي رهوم
محمد
بدر

MUNICIPALITY OF RAFAH

Annex 5: The questionnaire to representatives of land owners

استمارة استبيان مالكي الاراضي بمنطقة مكب النفايات الصلبة (صوفاء، جحر الديك)
في إطار إعداد خطة عمل التعويضات

الإسم : رقم الهوية:

1. موقع الارض المملوكة و مساحة الارض و شكلها و إحداثياتها

2. الأراضي المجاورة لها:

3. اسم مالك الأرض:

4. المهنة الرئيسية لمالك الأرض

5. هل يمتن مالك الأرض مهن أخرى؟ رجاء ذكرها

6. بيانات الإتصال بمالك الأرض (محل الإقامة الحالي و الجوال و الهاتف و البريد الإلكتروني- إن وجد)

7. توافر مستندات ملكية الأرض: نعم () لا ()

8. نوع هذه المستندات

9. قانونية هذه المستندات

10. في حالات وضع اليد دون سند قانوني – يتم الإشارة إلى الفترة الزمنية منذ وضع اليد و حتى تاريخ البحث

11. توصيف أسرة مالك الأرض (الأسرة و غيرها من أفراد العائلة ممن يعيشوا مع مالك الأرض)

العلاقة بمالك الارض	يعمل / لا يعمل	السن	النوع	اسم الفرد

Annex 5 con't.

12. الغرض الحالي الذي تستخدم فيه الأرض:

أ. مؤجرة (يرجى الاستفسار عن اسم و بيانات الاتصال بالمستأجر و الغرض الذي يستخدم فيه قيمة الإيجار و الانتظام في الدفع)

ب. الزراعة (نوع الزراعة و كمية الدخل السنوي و هل توجد مصادر أخرى للدخل لدى الأسرة)

ج. الرعي (مقبلا لملك الأمر عاهمنا خارج)

د. أغراض أخرى (تذكر بالتفصيل)

13. الموافقة على مبدأ الاستحواذ على الأرض لتنفيذ المشروع : نعم () لا ()

في حالة الجواب لا

أسباب الرفض:

14. التعويض المقترح من المالك مقابل التنازل عن الأرض
أ. عيني (مع الوصف)

ب. نقدي (مع الوصف و تحديد المبلغ)

ملاحظات الباحث

تقييم السوق

تبع المصدر

Annex 6: Email from Ministry of Tourism and Antiquities

An official statement received via email from the Assistant Deputy Minister of Tourism and Antiquities, Sector of Antiquities and Cultural Heritage, dated June 3, 2012 in which he confirmed that the proposed site at Al-Fukhari (Sofa) has no apparent archaeological value or registered site. Therefore the Ministry has no objection to construct the project at this location. The Law stipulates coordination with the field division during the excavation stage and to stop works in case finding of any archaeology.



Annex 7: Letter from JSC to Ministry of Finance

Subject: Ministry of Finance' Contribution to the land for the Landfill

"Based on your communication with the World Bank on the Solid waste Management Project in Gaza Strip and on the Feasibility Study completed for this purpose the 17 municipalities comprising the Joint Services Council are ready to contribute US\$1 million towards land acquisition to establish the central landfill in the southern Gaza governorates.....We hope that the Ministry of Finance will cover the remaining sum of US\$1.15 million towards land acquisition....."

Solid Waste Management Council
Governorates of Khan Younis & Middle Area
El Shaheed Abd El Karim El Aklouk St.
P.O.Box: 6040 Deir El Balah Gaza Strip
Tel: 08- 2531499 - Fax: 08- 2534101
Swmcgm@gmail.com



مجلس إدارة النفايات الصلبة
محافظتي خان يونس والوسطى
شارع الشهيد عبد الكريم العكلوك
دير البلح - قطاع غزة - ص.ب : ٦٠٤٠
تلفون: ٢٥٣١٤٩٩ - ٠٨ فاكس: ٢٥٣٤١٠١ - ٠٨

الرقم: ٢٠١٢/م.ن/٨٥
التاريخ: ٢٠١٢/٤/٢٩م

دولة الدكتور / سلام فياض
رئيس مجلس الوزراء
تحية الوطن وبعد ،،،

الموضوع / مساهمة وزارة المالية في الأرض المخصصة لمكب النفايات الصلبة

بداية يتقدم مجلس إدارة النفايات الصلبة بالمنطقة الجنوبية لقطاع غزة من دولتكم بأطيب التحيات متمنين لكم موفور الصحة ودوام التوفيق متمنين لكم جهودكم المميزه في بناء مؤسسات الدولة الفلسطينية.

بناء على توجيهاتكم للبنك الدولي حول مشروع إدارة النفايات الصلبة لمحافظة قطاع غزة وبناء على الدراسة التي تم إنجازها لهذا الموضوع فإن بلديات المجلس البالغ عددها (١٧) بلدية على استعداد للمساهمة بمبلغ مليون دولار من قيمة ثمن الأرض اللازمة لإنشاء المكب المركزي للنفايات الصلبة للمحافظات الجنوبية في القطاع مع العلم بأن ثمن الأرض اللازمة لهذا الغرض التي تبلغ مساحتها 215 دونم هو اثنان مليون و مئة و خمسون ألف دولار .

أملنا كبير أن يتم الإيعاز لوزارة المالية لتغطية باقي قيمة ثمن الأرض (مليون و مئة خمسون ألف دولار) مساهمة من السلطة الوطنية الفلسطينية في إنجاز هذا المشروع الهام لنتمكن من البدء في انطلاقة المشروع.

تفضلوا بقبول فائق الاحترام

رئيس مجلس النفايات
م. مصطفى الشواف





Annex 8: Minutes of Negotiations with Landowners

Summary of July 30, 2012 meeting No. 1: The JSC-KRM committee presented a brief summary of the plans to establish a new sanitary landfill and the MOU signed between the JSC-KRM and the MDLF towards this objective. The landowner (Abu Snaimeh family representatives who own 11.5 dunums) expressed since the option of land-for-land swap is not possible he asked for JOD 15,000 per dunum. The committee responded that the price should be in accordance with the market price. The owner requested time to think about it.

محضر اجتماع رقم (1) للجنة شراء الأرض اللازمة لإنشاء مكب للنفايات الصلبة في منطقة الفخاري

اليوم : الاثنين 2012/7/30م

الحضور :

- | | |
|--|------------------------------|
| رئيس مجلس إدارة النفايات الصلبة لمحافظة خانيونس ورفح
والوسطى - رئيس بلدية خانيونس | 1. أ. محمد عبد الخالق الفراء |
| مدير عام بلدية رفح - ممثل بلدية رفح عضو مجلس الإدارة | 2. د. علي براهيم |
| عضو مجلس إدارة النفايات الصلبة - رئيس بلدية دير البلح | 3. أ. سعيد نصار |
| عضو مجلس إدارة النفايات الصلبة - رئيس بلدية عسمان الكبيرة | 4. م. مصطفى الشواف |

جدول الأعمال :

1. التفاوض مع أصحاب الأراضي اللازمة / الجلسة مع ورثة إسماعيل أبو اسنيم.
2. مسودة مذكرة التفاهم المطلوب توقيعها بين صندوق تطوير وإصلاح البلديات ومجلس إدارة النفايات الصلبة لمحافظة خانيونس - رفح والوسطى.

الموضوع الأول : التفاوض مع آل أبو اسنيم.

حضر لمقابلة اللجنة كل من :

1. كمال إسماعيل أبو اسنيم.
 2. سعد الدين إسماعيل أبو اسنيم.
- تم النقاش حول مساحة الأرض التي يمتلكها الورثة وتبين أنها 11.5 دونم وهي مجاورة لمكب النفايات الموجود من الجهة الغربية وأن أوراقها الثبوتية متوفرة وهي أراضي حبال سيع ومسجلة في المديرية العامة لضريبة الأملاك . وزارة المالية محافظات غزة ولقد تم التأكد عليهم في حالة الاتفاق على الشراء أن يتم موافاة اللجنة كل ما يلزم من أوراق ثبوتية كاملة لتسجيل الأرض باسم مجلس إدارة النفايات الصلبة.
- أوضح رئيس اللجنة للحضور طبيعة المشروع والخطوات القانونية التي تمت من أجل تغيير استخدام الأرض لصالح المشروع وألية التقييم التي تمت من قبل الحكومة لتقدير سعر الأرض وبعد ذلك طلب منهم تحديد الثمن الذي يطلبونه للأرض التي يمتلكونها .
- قال سعد الدين أبو اسنيم أنه يرغب مبادلة الأرض بأرض وبما أنه لا يمكن حدوث ذلك فإنه يطلب خمسة عشر ألف دينار أردني ثمن لكل دونم.

Annex 8 Con't.

رد عليه رئيس اللجنة وأخبره بأن هذا السعر غير منطقي ويجب عليكم مراجعة أنفسكم وتحديد السعر المناسب حسب سعر السوق وبناء عليه طلب كمال وسعد الدين أبو اسنيمة إعطائهم مهلة حتى يوم الخميس 2012/8/2م للرد على اللجنة.

الموضوع الثاني :

تم مناقشة مسودة مذكرة التفاهم المطلوب توقيعها بين صندوق تطوير وإقراض البلديات ومجلس إدارة النفايات الصلبة لمحافظة خانيونس ورفح والوسطى من أجل إدارة مشروع إدارة النفايات الصلبة للمحافظات المذكورة.

ويعد النقاش تم الاتفاق على أن يبدأ المجلس في إعادة ترتيب البناء المؤسساتي للمجلس من أجل توفير الكوادر البشرية اللازمة لإدارة المشروع.

وبذلك أغلق المحضر

تم الرد من قبل كمال أبو اسنيمة في الموعد المحدد حيث طلب مبلغ ثلاثة عشر دينار اردني لكل متر مربع
و هذا سعر نهائي

Annex 8 Con't.

Summary of August 8, 2012 meeting No. 2: The JSC-KRM committee presented a brief summary of the plans to establish a new sanitary landfill and the MOU signed between the JSC-KRM and the MDLF towards this objective. The committee also reviewed the land ownership documents presented by the landowners. The landowners (*Session 1 with Abu Raida who owns 150 dunums; and Session 2 with Al-Shaer family representatives who own 170 dunums*). Discussion included a) the option of land-for-land swap which is not possible; b) long term lease at US\$500 per dunum (Committee informed owners the final status of the land in terms of a landfill that is 25 meters high and 30 meters deep); and c) the land sale/purchase is the preferred options for the JSC. The owners requested time to think about it.

**محضر اجتماع لجنة شراء الأرض اللازمة
لإنشاء مكب للنفايات الصلبة في منطقة الفخاري
رقم (2)**

اليوم : الأربعاء 2012/8/8م

الحضور :

- | | |
|--------------------------|---|
| 1. أحمد عبد الخالق الفرا | رئيس مجلس إدارة النفايات الصلبة لمحافظة خانيونس ورفح والوسطى - رئيس بلدية خانيونس |
| 2. د. علي يرهوم | مدير عام بلدية رفح - ممثل بلدية رفح عضو مجلس الإدارة |
| 3. أسعد نصار | عضو مجلس إدارة النفايات الصلبة - رئيس بلدية دير البلح |
| 4. مصطفى الشواف | عضو مجلس إدارة النفايات الصلبة - رئيس بلدية عسبان الكبيرة |
- اعتذر عن الحضور لانشغاله.

جدول الأعمال :

التفاوض مع أصحاب الأراضي اللازمة / الجلسة مع كل من :

1. أراضي سليمان أبو ريده يملك حوالي 150 دونم.
 2. أحمد عبد الله الشاهر.
 3. أحمد عبد الله الشاهر
 4. أحمد عبد الشاهر
- ويمتلكون قطعة أرض حوالي (170 دونم).

الجلسة الأولى : التفاوض مع أراضي سليمان أبو ريده

تم مراجعة الأوراق الثبوتية الخاصة بقطعة الأرض التي يمتلكها المذكور وتبين أنها أراضي حبال سيع ومسجلة في المديرية العامة لضريبة الأملاك - وزارة المالية محافظات غزة .
أوضح رئيس اللجنة طبيعة المشروع والخطوات القانونية التي تمت من أجل إنشاء مكب للنفايات الصلبة في هذه المنطقة وأهمية تنفيذ المشروع الخاص بهذا الموضوع ومن ثم انقل النقاش بين المالك وأعضاء اللجنة وفي النهاية تم الاتي :
1. طرح المالك فكرة استبدال أرض بأرض وهي الفكرة المفضلة له .
أوضح رئيس اللجنة استبعاد هذا الخيار من النقاش بسبب عدم موافقة الحكومة على ذلك.

Annex 8 Con't.

2. طرح المالك فكرة الاستئجار الطويل الأمد فقام أعضاء اللجنة بشرح طبيعة المشروع وإنشاء مكب يشمل أعمال حفر تصل لعمق (30م) وتخزين النفايات الصلبة فيها والارتفاع أكثر من (25م) وعلى الرغم من ذلك وافق المالك على فكرة الاستئجار (500 دولار أمريكي) لكل دوتم سنوياً.
3. تم طرح فكرة الشراء من قبل أعضاء اللجنة وهو الخيار المفضل للجنة .
في النهاية اتفق الجميع على إعطاء فرصة للمالك راضي أبو ريدة للمراجعة واتخاذ القرار وإبلاغه للجنة حتى يوم الاثنين 2012/8/13م.

الجنسة الثانية مع كل من ::

1. أحمد عبد الله الشاعر
 2. أمير عبد الله الشاعر
 3. أ.زياد عبد الشاعر
- بعد أن قام رئيس اللجنة بشرح فكرة المشروع المهم وبعد أن تم توضيح موقع منطقة الأرض التي يملكونها على الخارطة الخاصة بهذه الأرض قام المذكورين بإعلام اللجنة بأنهم فضلوا خيار استبدال أرض بأرض وهذا الخيار الوحيد لديهم وبعد جدل كبير تم الاتفاق على أن يتم إعطائهم فرصة للتشاور وإعلام اللجنة بقرارهم خلال الأسبوع القادم.

وبذلك أغلق المحضر

Annex 8 Con't.

Summary of August 29, 2012 meeting No. 3: The JSC-KRM committee met with the land owner - Abu Raida. The owner asked for JOD 22,000 per dunum or a long term lease at US\$1,000 per dunum per year. The Committee offered JOD 7,000 per dunum or lease US\$350 per dunum per year. The owner requested time to think about it. Since no agreement has been reached the Committee agreed to meet at MOLG to proceed with the land expropriation process and in parallel establish a land valuation committee constituting among others 2 independent real estate agents.

**محضر اجتماع لجنة شراء الأرض اللازمة
لإنشاء مكب للنفايات الصلبة في منطقة القخاري
محضر رقم (3)**

اليوم : الأربعاء 2012/8/29م

الحضور :

1. أ.محمد عبد الخالق الفرارليس مجلس إدارة النفايات الصلبة لمحافظة طابوقس ورقح

والوسطى ورئيس اللجنة

2. م.مصطفى الشواف رئيس بلدية عسسان الكبيرة . عضو اللجنة

3. د.علي بروهوم مدير عام بلدية رفح . عضو اللجنة

4. م.زهدي الغريز مدير عام وزارة الحكم المحلي

جدول الأعمال :

التفاوض مع أراضي سليمان أبو ريذة مالك أرض في المنطقة المذكورة.

بناء على محضر التفاوض رقم (2) مع المالك المذكور وحول مطلبه إعطاء مهلة للتفكير تم الطلب من المذكور من قبل رئيس اللجنة التقدم بعرض يشمل سعر البيع للدونم وسعر الإيجار للدونم من أجل التفاوض حول هذا العرض وبناء على هذا الطلب تقدم المذكور بالعرض الآتي :

سعر البيع للدونم 22 000 دينار أردني

سعر الإيجار للدونم 1000 دولار أمريكي

بناء على ذلك قدمت اللجنة العرض الآتي للمالك المذكور :

سعر الشراء للدونم 7000 دينار أردني

سعر الإيجار للدونم 350 دولار أمريكي

وبسبب عدم التوصل إلى اتفاق مع المالك المذكور تم إنهاء الجلسة وانفقت اللجنة على عقد اجتماع طارئ غداً الخميس 2012/8/30م في مكتب م.سفيان أبو سمرة وذلك من أجل البدء في الإجراءات القانونية لاستملاك الأرض وفي نفس الوقت تشكل لجنة جديدة لتخمين ثمن الأرض تشمل في عضويتها عدد 2 تجار أرض محايدين .

وبناء عليه أطلق المحضر

Annex 8 Con't.

Summary of September 6, 2012 meeting No. 4: The JSC-KRM committee was set to meet with the land owners again. Session 1 with Abu Raida (he apologized for reasons beyond his control), and Session 2 with Al-Shaer. The latter could not present a preferred price so the committee suggested a land valuation committee to comprise of 2 independent real estate agents in addition to the public officials. Al-Shaer representatives agreed to the valuation committee but were not bound by its decision. The committee informed them that if no agreement it will go for the legal acquisition through expropriation.

التاريخ : 2012/09/06م

محضر اجتماع رقم (4) للجنة شراء الارض اللازمة
لانشاء مكب للنفايات الصلبة في منطقة الفخاري

اليوم: الخميس الموافق 2012/09/06م

الحضور: أ. محمد عبد الخالق الفراء رئيس مجلس ادارة النفايات الصلبة / رئيس اللجنة

أ. صالح سلطان نائب رئيس بلدية خانيونس

م. زهدي الغريز مدير عام/ وزارة الحكم المحلي

د. علي براهيم مدير عام بلدية رفح/ عضو اللجنة

جدول الاعمال/ التفاوض مع اصحاب الاراضي اللازمة للمشروع

الجلسة الاولى: الساعة الثامنة صباحاً/ التفاوض مع أ. راضي سليمان ابو ريدة.

الجلسة الثانية: الساعة الثامنة والنصف صباحاً/ التفاوض مع آل الشاعر

وهم (حيدر عبد الله الشاعر، منير عبد الله الشاعر، زياد عبد الله الشاعر)

الجلسة الاولى:

بعد أن تم تحديد الموعد مع أ. راضي ابو ريدة اليوم الخميس 2012/09/06م اتصل المذكور

مساء الاربعاء 2012/09/05م الساعة العاشرة ليلاً وقام بإرسال رسالة SMS الى عضو اللجنة

د. علي براهيم يعتذر فيها عن الحضور بسبب ظروف خارجة عن ارادته حسب ادعاؤه وتم يتم

الاتفاق على تحديد موعد جديد لحين اتضاح الامر.

الجلسة الثانية:

• حضر آل الشاعر المذكورين في موعدهم وبدأ رئيس اللجنة بالتوضيح لهم اننا في اللجنة معنيين بالتوصل الى حل مشترك ويتفاهم من اجل تنفيذ المشروع والأخذ في الاعتبار حقوق آل الشاعر وتم النقاش حول الخيارات المطروحة اما البيع أو الاستئجار و تم استبعاد خيار تبديل الارض بأرض اخرى لعدم موافقة الحكومة على ذلك.

• بعد نقاش طويل تم استبعاد خيار الاجار وتم الموافقة على خيار البيع وخلال النقاش تم الطلب من قبل اللجنة من آل الشاعر تحديد السعر الذي يطلبونه لكل دونم وبسبب تمنعهم من اعطاء رقم محدد اقترح السيد رئيس اللجنة تشكيل لجنة تقيم للارض بمشاركة عدد 2

Annex 8 con't.

ممثلين محايدين مع الاعضاء الآخرين لتتضمن سعر الارض ليكون قرار اللجنة هو الفصل في الموضوع.

• قبل ان الشاعر هذا الاقتراح ولكن اكدوا على ان السعر الذي سوف تحدده اللجنة غير ملزم لنا ان لم نكن نقبله وهنا اكد رئيس اللجنة على ان قرار اللجنة هو ملزم لنا وفي حالة عدم قبول ان الشاعر بهذا القرار سوف نتوجه الى اخذ الاجراءات القانونية اللازمة لاستملاك الارض .

وبناء عليه انتهت الجلسة وطلب رئيس اللجنة التمسريع في تشكيل اللجنة من اجل الانتهاء من عملها في بداية الاسبوع القادم .

Annex 8 con't.

Summary of September 22, 2012 meeting No. 5: The JSC-KRM committee met with land owners. Present were from Al-Shaer family, Shubair family and Abu Sunaima. Abu Raida decided to leave the meeting due to its late start. The JSC reported the land value as decided by the valuation committee. The owners objected to this value. The committee chair informed the owners that the valuation committee has worked in a very transparent and professional manner. If they continue to object then the option is for land expropriation in accordance with the law.

**اجتماع لجنة شراء الأرض اللازمة لإنشاء مكب للنفايات
الصلبة
لمحافظات خانيونس - رفح والوسطى
محضر اجتماع رقم (5)**

اليوم : السبت 2012/9/22م
الحضور :

رئيس اللجنة	1. أحمد عبدالحق الفوا
عضو اللجنة	2. م. سعيد نصار
عضو اللجنة	3. د. علي بروهوم
وزارة الحكم المحلي	4. م. زهدي الغريز

وقد تغيب عن الجلسة م. مصطفى الشواف عضو اللجنة بسبب السفر

أصحاب الأرض :

1. أحمد عبد الله الشاعر .
2. أمير عبد الله الشاعر
3. أيمن عبد الله الشاعر
4. د. صلاح الدين شبيب
5. أسعد الدين أبو اسليمة

أراضي أبو ريده بسبب التأخير في بداية الجلسة اعتذر وغادر المكان

بدأ السيد رئيس اللجنة بإعلام جميع الحضور بأن اللجنة الثانية المشكلة لتقييم ثمن الأرض اللازمة للمكب وبمشاركة ممثلين عن القطاع الخاص أنهت عملها وأصدرت تقريرها حول هذا الموضوع وهذا طلب رئيس اللجنة من عضو اللجنة د. علي بروهوم قراءة تقرير اللجنة.

قام د. علي بروهوم بقراءة التقرير وتوضيح السعر لكل مربع حسب المخطط المرفق ولكل الحضور وبعد الانتهاء من هذه الخطوة فتح باب النقاش.

أفاد أن الشاعر بأنهم يرفضون رفضاً باتاً تقديرات اللجنة الثانية لأسعار الأرض الخاصة بهم وكذلك فعل صلاح شبيب وسعد الدين أبو اسليمة.

أوضح لهم رئيس اللجنة بأن اللجنة الثانية أنهت عملها بشفافية وأمانة كاملة وإن مجلس إدارة النفايات الصلبة والوزارة تعتبر هذا التقييم هو الأساس للتعامل مع أصحاب الأرض وإذا استمر رفضهم لتقرير اللجنة فإن مجلس إدارة النفايات الصلبة سوف تلجأ إلى القانون للتعامل مع هذا الموضوع بهدف استملاك الأرض والتعويض على أساس تقرير لجنة التقييم الثانية.

وبهذا انتهت الجلسة

Annex 8 con't.

Summary of September 26, 2012 meeting No. 6: The JSC-KRM committee met with Abu Raida upon his request and independent from other land owners. The owner informed that committee that he does not wish to sell his land but ready for a long term lease. The committee suggested to increase its offer (subject to JSC board's approval) from US\$350 to US\$500 per dunum per year. The owner requested 30 year lease; possibility for employment to his family members at the project site; to benefit from certain percentage of the excavated soil; and an annual increment to compensate for currency devaluation. Meeting was adjourned subject to another follow up meeting between a JSC committee member and the owner to detail the above and to present it to the JSC for a decision.

محضر اجتماع لجنة شراء الأرض اللازمة لإنشاء مكب للنفايات
الصلبية
لمحافظات خانيونس - رفح والوسطى
اجتماع رقم (6)

الأربعاء 2012/9/26م

الحضور :

1. أحمد عبد الخالق الفرا رئيس اللجنة
2. د. علي براهيم عضو اللجنة

موضوع الجلسة : التفاوض مع أراضي أبو ريدة لأحد مالكي الأرض اللازمة لإنشاء المكب.

بناء على اتصال من قبل أراضي أبو ريدة حول رغبته في التفاوض بعيداً عن المالكين الآخرين تم تحديد جلسة مع المذكور وذلك يوم الأربعاء 2012/9/26م الساعة العاشرة صباحاً بمقر الوزارة. بدأ السيد رئيس اللجنة بالترحيب بالسيد أبو ريدة وطلب منه توضيح موقفه من تقرير لجنة تخمين ثمن الأرض الثانية إذا كان يعرف محتواه بالضبط. أفاد السيد أبو ريدة بأن مبدأ بيع الأرض بالنسيئة له مرفوض الآن وأنه يرغب في تأجير الأرض على أن يؤخذ في الاعتبار بعض الأمور المهمة مثل :

1. القيمة الإيجارية العرض المقدم من المجلس سابقاً كان 350 دولار أمريكي /سنة/دونم. وبعد نقاش وتفاوض أومنع رئيس اللجنة بأن عرض اللجنة لتأجير هو 500 دولار أمريكي/سنة/دونم وسيتم رفع هذا الموضوع لمجلس الإدارة للقبول أو الرفض.
 2. المدة الإيجارية 30 سنة.
 3. فحص إمكانية الاستفادة من فرص العمل من قبل آل أبو ريدة صاحب الأرض في حال توفر فرص عمل في الموقع.
 4. الاستفادة من ناتج الحفر (نسبة مئوية) من قبل أراضي أبو ريدة.
 5. طلب السيد أراضي أبو ريدة أن تكون هناك نسبة زيادة للقيمة الإيجارية تعوض فرق تأكل العملة.
- انتهت اللجنة في نهاية الجلسة على أن يتم عقد جلسة ثالثة بين أراضي أبو ريدة وعضو اللجنة د. علي براهيم لتثبيت النقاط المذكورة أعلاه ورفعها إلى رئيس اللجنة للنقاش ومن ثم العرض على مجلس الإدارة في مجلس إدارة النفايات الصلبة للنقاش واتخاذ القرار .
- وبهذا انتهت الجلسة**

Annex 8 con't.

Summary of October 2, 2012 meeting No. 7: The JSC committee member continued discussion with Abu Raida. The owner presented the following offer: a) in case of a long term lease at US\$700 per dunum per year; b) annual increment of 7-8% in the lease as per UNRWA's agreements; c) 30 year lease; d) 30% of the total value to be paid in advance; e) employment opportunities for his family members; and f) the landowner would have a percentage of the recycled waste for reuse. In the case of sale, Abu Raida asked for US\$22,000 per dunum. The JSC rep informed that a) the JSC is planning to lease the land based on a practice that has been adopted by the JSC and they don't have an annual increment however in the future and in the case of drop in currency value the land owner could present a request to the JSC to study possible compensation; b) the lease price is high and that's why the JSC is keen to buy the land; c) the JSC policy is to give employment opportunities to Abu Raida family in case an agreement is reached; and d) an explanation of the taxes that the land owner and the renter are responsible for.

محضر اجتماع رقم (7)
حول استكمال التفاوض مع السيد راضي ابو ريدة بناء على
تكليف رئيس لجنة الشراء

اليوم الثلاثاء الموافق 2012/10/02م.

بناء على تكليف رئيس لجنة شراء الارض اللازمة لانشاء مكب للنفايات الصلبة في منطقة الفخاري وبناء على محضر الاجتماع السابق رقم (6) تم تكليف د. علي براهيم عضو لجنة الشراء باستكمال التفاوض مع السيد راضي سنيان ابو ريدة حول اتيّة الاجار للارض التي يمتلكها لاستخدامها في انشاء المكب تم عقد اجتماع مع المذكور وخلال الاجتماع قدم السيد راضي ابو ريدة العرض التالي:

1. في حالة الاجار:

- طلب المذكور ان تكون القيمة الاجارية السنوية للدونم \$700 دولار امريكي .
- ان تكون هناك زيادة سنوية في القيمة الاجارية وأوضح بأن هناك نظام معمول به في وكالة الغوث الدولية يسمح بزيادة 7-8% زيادة سنوية.
- المدة الاجارية 30 سنة.
- دفع مبلغ مقدم من القيمة الاجارية بقيمة 30%.
- ان تكون فرض التشغيل في الموقع لصالح افراد من عائلته.
- ان يستفيد المذكور من ناتج الحفر.
- ان يكون للمذكور نسبة من الفائرة في حالة انشاء وحدة فرز للنفايات واعادة استخدامها.

2. في حالة البيع: طلب المذكور بأن يكون سعر البيع هو 22.000 دولار امريكي لكل دونم.

بناء على العرض المقدم من السيد راضي ابو ريدة أوضح له عضو اللجنة د. علي براهيم الآتي:

1. حسب النظام المعمول به ويمثل على ذلك الاراضي المؤجرة حالياً لمجلس ادارة النفايات الصلبة لمنطقتي دير البلح وخانيونس لا يوجد أي نسبة زيادة على الاجرة السنوية وخاصة أنه سيتم ربط قيمة الاجار بالدولار الامريكي وفي حالة انخفاض القيمة الشرائية لمبلغ الاجار على المؤجر تقديم طلب للنظر فيه ودراسته وفي حالة وجود انخفاض يوافق المجلس على التعويض .
2. أن القيمة الاجارية المطلوبة لكل سنة عالية وهذا الرقم سيدفع المجلس بالتفكير في اتجاه شراء الارض بدلاً من الاجار.

Annex 8 con't.

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3. بخصوص امكانية ايجاد فرص عمل لافراد عائلة ابو ريدة في الموقع في حالة الموافقة على الايجار فإن هذه سياسة المجلس وستكون الاولوية لذلك إن توفرت الشروط اللازمة للتوظيفة .
 4. تم التوضيح بأن هناك نوعان من الضرائب مطلوب دفعها للحكومة في حالة تم الايجار وهما:
 - ضرائب مباشرة ويتحملها مالك الارض.
 - ضرائب اخرى (ضريبة الدخل + الضريبة المضافة) ويتحملها المستأجر.
 5. سيتم رفع العرض المقدم من السيد راضي ابو ريدة الى لجنة الشراء للبت فيه.

وبهذا اغلق المحضر

Annex 8 con't.

Summary of October 7, 2012 meeting: The JSC-KRM committee met at MOLG Gaza. The JSC-KRM representative presented the results of negotiations with the land owners including Al-Shaer family, Abu Sunaima family and Al-Shubair family. All efforts were made to reach an agreement for an agreement to sell the land based on the valuation committee with no success. On the other hand, Abu Raida's offer included a US\$22,000 per dunum; or a long term lease at US\$700 per dunum in addition to an annual increase as UNRWA's agreements; in addition to specific benefits. In case of a lease 30% of the agreed amount should be presented in advance. In addition, he requested other benefits such as employment and percent of the excavated material and recyclables.

Since no agreement has been reached the Committee and MOLG agreed to proceed with the land expropriation in accordance with eminent domain and as per the JSC's request dated September 25, 2012 and the government's decision of October 3, 2012. Compensation should be in accordance with the court decision for whoever has rightful claim.

محضر اجتماع

موضوع الاجتماع // نتائج المناقشات التي تمت مع ممثلين عن أصحاب الأراضي بموقع مكب النفايات الصلبة لكل من محافظات خان يونس رفح و الوسطى

انه في يوم الأحد الموافق 07 / 10 / 2102 م وبمقر وزارة الحكم المحلي وبناء على دعوة من وزير الحكم المحلي للجنة المشكلة لإجراء المناقشة والحوار مع ممثلين عن ملاك هذه الأراضي وكان الحضور من أعضاء اللجنة كل من :

1 - أ . محمد جواد الفراء رئيس اللجنة
2 - م . مصطفى الشواف عضو
3 - د . علي برهوم عضو

وحيث تم عقد عدة اجتماعات وتمت محاورتهم ومناقشة البدائل معهم ، وانه بعد المناقشة وتبادل وجهات النظر والاسترشاد بأراء مدراء مالبين اختصاصيين فقد خلصت اللجنة في تقييمها إلى النتائج التالية وذلك وفق التسلسل التالي :-

1 - قام الأخ د. علي برهوم بمسرد وعرض نتائج النقاش والحوار الذي تم مع ممثلين عن أصحاب الأراضي وهم من عائلات آل الشاعر ، آل أبو سنيمة ، آل شبيب حيث تم فتح المناقشة من خلال الجلسات معهم على أساس إن يتم شراء الأرض بالتراضي بين المجلس والملاك تجنباً لموضوع استملاك الأرض وفق القانون مقابل تعويض السادة الملاك عن ممتلكاتهم حيث أبدت اللجنة المرونة الكافية لذلك التوجه الخاص بالشراء وتجاوزت الأرقام التي تم الاسترشاد بها من خلال لجنة التقييم أو الأسعار السائدة محلياً وذلك لمواصفات أراضي لها نفس النوع من التملك أو الوضع الجغرافي بحكم قربها من خط التماس - إلا إن الملاك رفضوا هذا العرض من اللجنة والتي كان وفق تقييمها أن يتم أفضلية الشراء من الإيجار خاصة وإن من شروط المالكين للإيجار أن يكون العقد قابل للزيادة نسبة مئوية سنوياً ودفع مبلغ مقدم عن عدة سنوات لاحقة .

2 - أشار د . علي برهوم إلى أن الحوار الذي تم مع المالك (راضي سليمان أبو ريدة) وهو صاحب الأرض الأكبر مساحة 125 دونم والذي حصر عرضه في الموافقة على التنازع المجلس من الأرض في البدائل التالية :-

أ - أن سعر الإيجار للدونم الواحد هو مبلغ 700 دولار / السنة مع زيادة نسبة مئوية سنوية وذلك أسوة بما هو معمول به مع وكالة الغوث الدولية وذلك وفق ما ذكر .

ب - أن سعر البيع للدونم الواحد هو 22000 دولار .

ج - طالب السيد المواطن المذكور بامتيازات إضافية مثل استغلاته من نتائج الحفر / فرص عمل بالموقع / استغادة مالية من وحدة فرز النفايات .

د - طالب المواطن راضي أبو ريدة بدفع 30 % من القيمة في حالة الإيجار مقدماً .

Annex 8 con't.

وبناء على ما تقدم فإن اللجنة بعد المناقشة والتقييم (خاصة وبعد صدور قرار الاستملاك لصالح مجلس إدارة النفايات الصلبة وذلك لمحافظات خانيونس رفح و الوسطى ذلك بتاريخ 25 / 09 / 2012 م من الحكومة) وتم استلام قرار الاستملاك بتاريخ 03 / 10 / 2012 م .
فإن اللجنة أقرت السير قدماً والاستمرار في عملية الاستملاك وتسجيل الأرض لدى الجهات المعنية وباسم مجلس إدارة النفايات الصلبة لمحافظات خانيونس رفح والوسطى ومن تم التعويض المالي ومع قرار المحكمة لكل من يدعي الحق أو المنفعة على الأرض التي تم إستلاكها حسب القانون وذلك من خلال وزارة الحكم المحلي .
أقفل المحضر في تمام الساعة الواحدة ظهراً بعد اعتمادده وتوقيعه .

عضو اللجنة
عضو اللجنة
رئيس اللجنة
د . علي برهوم
م مصطفى الشواف
جواد الفرا
م .
أ . محمد

Annex9: Sample Grievance Form

<i>Grievance Form</i>				
<i>Grievance number</i>		<i>Copies to forward to:</i>		
<i>Name of recorder</i>		<i>(Original) Receiver Party</i>		
<i>Province/District/Settlement</i>		<i>(Copy)-Responsible Party</i>		
<i>Date</i>				
<i>Information about grievance</i>				
<i>Define the grievance:</i>				
<i>Information about the compliant</i>			<i>Forms of receive:</i> <input type="checkbox"/> Phone line <input type="checkbox"/> Community	
<i>Name</i>			<i>Information meeting:</i> <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other	
<i>Telephone number:</i>				
<i>Address</i>				
<i>Village/Settlement</i>				
<i>District/Province</i>				
<i>Signature of Compliant</i>				
<i>Sample Details of Grievances</i>				
1. Damage to Infrastructure or Community Assets		2. Decrease or Loss of Livelihood		3. Traffic Accident
a) Road/Railway b) Bridge/Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other		a) Agriculture b) Animal c) husbandry d) Small scale e) trade f) Other		a) Injury b) Damage c) to property d) Damage to e) livestock f) Other
4. Incidents Regarding Expropriation and Compensation (Specify)	5. Resettlement Process (Specify)	6. Employment and Recruitment (Specify)	7. Construction Camp and Community Relations a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint followup f) Other	8. Other (Specify)